

PATENT

IN THE UNITED STATES PATENT  
AND TRADEMARK OFFICE

Applicants: Erik H.F. Wong et al.  
Serial No.: 10/758,864  
Filed: January 16, 2004  
Title: METHOD OF TREATING  
PERIPHERAL NEUROPATHY  
Group Art Unit: 1614  
Examiner: Phyllis G. Spivack  
Attorney Docket No.: 30744/6248.11

) I hereby certify that this paper is being  
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)   
) Sandip H. Patel (Reg. No. 43,848)  
) Attorney for Applicants

TERMINAL DISCLAIMER  
PURSUANT TO 37 CFR § 1.321(c)

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

Pharmacia & Upjohn Company, a Delaware corporation, having a place of business at 301 Henrietta Street, Kalamazoo, Michigan, is the assignee of the entire right, title, and interest in the above-captioned patent application, and U.S. Patent No. 6,465,458 B1 (hereafter, "the '458 patent") by virtue of an assignment recorded on September 26, 2000, at Reel 010988, Frame 0398.

The assignee, through its undersigned attorney, hereby disclaims, except as provided below, the terminal portion of the statutory term of any patent granted on the above-captioned patent application extending beyond the expiration date of the full statutory term of the '458 patent, including any patent term extensions, restorations or adjustments for said patent available under all applicable statutes including 35 USC §§ 154 through 156 and 173 as shortened by any terminal disclaimer filed prior to the grant of the '458 patent. The assignee hereby agrees that any patent so granted on the above-captioned patent application shall be enforceable only for and during such period that the legal title to it and to the '458 patent are commonly owned. This agreement runs with any patent granted on the above-captioned patent application and is binding upon the assignee and its successors or assigns.

In making the above disclaimer, the assignee does not disclaim the terminal portion of the term of any patent granted on the above-captioned patent application that would extend

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to the expiration date of the full statutory term as defined in 35 USC §§ 154 through 156 and 173 of the '458 patent, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that the '458 patent later expires for failure to pay a maintenance fee, is held unenforceable and/or invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or in part or is terminally disclaimed under 37 CFR § 1.321, has all claims cancelled by reexamination certificate, is reissued, or its term is in any manner shortened prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

The assignment recorded on September 26, 2000, at Reel 010988, Frame 0398, establish the assignee's chain of title from the inventors. The documents establishing the assignee's chain of title have been reviewed by the undersigned and the undersigned certifies that, to the best of his knowledge and belief, title is in the assignee.

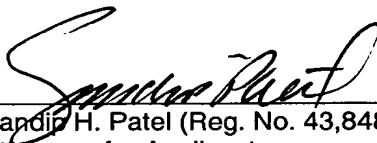
Submitted herewith is payment in the amount of \$130.00 to cover the fee set forth in 37 CFR § 1.20(d) for filing this paper.

The undersigned hereby declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

MARSHALL, GERSTEIN & BORUN LLP

August 7, 2006

  
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